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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Lewis Dean Dodrill

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23164

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09/07/2006

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EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/605,848	Applicant(s) DODRILL ET AL.	
	Examiner Aaron Strange	Art Unit 2153	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-20,22-28,30-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-18,20,22-28,30,32-39 and 41 is/are rejected.
- 7) ☒ Claim(s) 4,19 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1,12,20,28 and 39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3,5-7,9,12-14,17,18,20,22-24,27,28,30,32-34,36,39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (US 6,484,196) in view of Jindal et al. (US 6,327,622).

4. With regard to claim 1, Maurille discloses a method in an application server for initiating inter-process communication between non-persistent application sessions, the method comprising:

initiating a first application instance (server application) (Col 3, Lines 2-5) for establishment of an application session (talk session) between the application server and a first party (Col 18, Lines 58-67);

determining whether a second party (intended talk session participant) (Col 19, Lines 1-2) is available (online) to receive a message (message 804) (Col 18, Line 64) having been established in the application session between the application server and the first party (Col 19, Lines 1-2);

based on the determined availability of the second party (if user is online), generating a HTML page (active server page) (Col 6, Lines 4-12), originating in the first application instance (server generates an incoming message box), having instructions for a browser, in use by the second party, to notify the second party of a new application session for the second party so as to present the message to the second party (incoming message box notifies second party of the session and gives them the option to join)(Col 19, Lines 2-15);

wherein the generating step includes inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party (message box requests that the user stop the current session to enter talk session) (Col 19, Lines 2-9) to create the new application session (enter talk session and respond) for the second party (Col 19, Lines 12-15).

Maurille fails to specifically disclose that the application session of the second party is established by another application instance distinct from the first application instance.

Jindal teaches using multiple instances of an application spread across a plurality of servers in order to balance the load of client requests (at least Col 2, Lines 41-57). This reduces the load on any single instance of the application, resulting increased

performance of the system (at least Col 2, Lines 57-67). This would have been an advantageous addition to the system disclosed by Maurille since it would have reduced the load on the server application and allowed larger numbers of clients to be handled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple instances of the server application to serve sessions from different clients since it would have reduced the load on a single instance of the server application, increasing performance of the system and allowing a greater number of clients to use the system.

5. With regard to claim 3, Maurille further discloses generating a new session identifier that specifies the new application session for the second party, wherein the URL includes the new session identifier for interrupting the present session of the second party with the new application session (TalkSessID) (Col 19, Lines 5-65).

6. With regard to claim 5, Maurille further discloses that the HTML page includes a prompt enabling the second party to respond to the message (Col 19, Lines 2-15).

7. With regard to claim 6, Maurille further discloses that  
the determining step includes accessing a registry (database) locally accessible by the application server (database is accessed to see if user currently allows alerts),  
and

the method further including updating the registry to indicate that the first part is available for messaging operations (user may change availability preferences to hold/allow alerts) (Col 8, Lines 5-20).

8. With regard to claim 7, Maurille further discloses storing the message in a data store of the second party (message is stored at and displayed to second party) (Col 19, Lines 12-15).

9. With regard to claim 9, Maurille further discloses accessing attribute information of the second party to determine whether the second party authorizes receipt of the message from the first party (determine whether second party agreed to join session)(Col 19, Lines 9-16).

10. With regard to claim 20, Maurille discloses an application server configured for executing a messaging application, the application server including:

an application runtime environment configured for dynamically originating and generating, in a first application instance (server application) (Col 3, Lines 2-5) between the application server and a first party (Col 18, Lines 58-67), a hypertext markup language (HTML) document (active serverpage) (Col 6, Lines 4-13) having instructions for a browser to notify a second party of a new application session for the second party (incoming message box notifies second party of the session and gives them the option to join) (Col 19, Lines 2-15), based on a determination that the second party using the

browser is available (online) to receive the HTML document, the application runtime environment being configured to access a common resource (database 108) containing information regarding both the first and second parties (Col 6, Lines 44-57; Col 19, Lines 47-65),

wherein the HTML document has instructions to interrupt a present application session (message box requests that the user stop current session to enter talk session) (Col 19, Lines 2-9) of the second party to create the new application session for the second party (enter talk session and respond) (Col 19, Lines 12-15).

Maurille fails to specifically disclose that the application session of the second party is established by another application instance distinct from the first application instance.

Jindal teaches using multiple instances of an application spread across a plurality of servers in order to balance the load of client requests (at least Col 2, Lines 41-57). This reduces the load on any single instance of the application, resulting increased performance of the system (at least Col 2, Lines 57-67). This would have been an advantageous addition to the system disclosed by Maurille since it would have reduced the load on the server application and allowed larger numbers of clients to be handled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple instances of the server application to serve sessions from different clients since it would have reduced the load on a single instance of the server application, increasing performance of the system and allowing a greater number of clients to use the system.

11. With regard to claim 22, Maurille further discloses that the HTML document includes a prompt enabling the second party to respond to the message (Col 19, Lines 2-15).

12. With regard to claim 23, Maurille further discloses that the common resource (database) includes a registry (users table) and the application runtime environment is configured to access the registry and to update the registry to indicate that the first party is available for messaging operations (user may change availability preferences to hold/allow alerts) (Col 8, Lines 5-20).

13. With regard to claim 24, while Maurille fails to specifically recite that the application runtime environment is configured to access the common resource (database) via an application programming interface (API), such a limitation is inherent in the system taught by Maurille. An API must be used to access and modify the entries in the database (Col 6, Lines 44-57; Col 7, Line 66 to Col 9, Line 55)

14. With regard to claim 27, Maurille further discloses that the common resource includes a registry (users table) and the application runtime environment is configured to access the registry (check to see if user will accept alerts) (Col 8, Lines 3-20) and to determine whether or not the second party is available to receive the message (Col 19, Lines 1-2).



15. Claims 12-14,17,18,28,30,32,33,34,36,39 and 41 are rejected under the same rationale as claims 1,3,5,6,7,9,20,22 and 24, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

16. Claims 8,10,15,16,25,26,35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (US 6,484,196) in view of Jindal et al. (US 6,327,622) in further view of Official Notice.

17. With regard to claims 8,10,25,26,35 and 37, while the system disclosed by Maurille shows substantial features of the claimed invention (discussed above), it fails to specifically disclose using IMAP or LDAP for storing messages or accessing the database.

The Examiner takes Official Notice that both IMAP and LDAP are old and well-known protocols in the art. It would have been advantageous to use these protocols to store/access data since these standard protocols have a large amount of pre-existing documentation and support, making the system easier to implement and maintain.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use IMAP and LDAP to store/access data since they are well-known standard protocols.

18. Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (US 6,484,196) in view of Jindal et al. (US 6,327,622) in further view of Cave (US 5,958,014).

19. With regard to claims 11 and 38, while the system disclosed by Maurille shows substantial features of the claimed invention (discussed above), it fails to specifically

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disclose that the message is a voice message and the HTML page includes instructions for playing the voice message.

Cave discloses a similar system for communicating between a plurality of people in a collaborative environment. Cave teaches the use of voice messaging as an alternative to text messaging for communications (Col 1, Line 65 to Col 2, Line 3; Col 4, Lines 3-13). This would have been an advantageous addition to the system disclosed by Maurille since it would have allowed users to communicate via voice messages rather than text messages if desired. Voice messages are preferable to text messages in many situations because they generally allow faster communication of the same amount of information and are better for conveying emotions than text messages are.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use voice messages as an alternative to text messages in the system disclosed by Maurille.

#### ***Allowable Subject Matter***

20. Claims 4, 19 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
8/31/06



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PRIMARY EXAMINER